

Calendar No. 637

110TH CONGRESS
2D SESSION

S. 128

[Report No. 110–285]

To amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 10, 2008

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cache la Poudre River
3 National Heritage Area Technical Amendments Act of
4 2007”.

5 **SEC. 2. CACHE LA POUFRE RIVER NATIONAL HERITAGE**
6 **AREA.**

7 (a) PURPOSE.—Section 101 of the Cache La Poudre
8 River Corridor Act (16 U.S.C. 461 note; Public Law 104–
9 323) is amended—

10 (1) by striking “Cache La Poudre Corridor”
11 and inserting “Cache la Poudre River National Her-
12 itage Area”;

13 (2) by striking “Cache La Poudre River Basin”
14 and inserting “Cache la Poudre River Basin”; and

15 (3) by striking “the Corridor” and inserting
16 “the Heritage Area”.

17 (b) DEFINITIONS.—Section 102 of the Cache La
18 Poudre River Corridor Act (16 U.S.C. 461 note; Public
19 Law 104–323) is amended—

20 (1) by striking paragraph (1) and inserting the
21 following:

22 “(1) ALLIANCE.—The term ‘Alliance’ means
23 the Poudre Heritage Alliance, a nonprofit corpora-
24 tion incorporated in the State of Colorado.”;

25 (2) by striking paragraphs (2) and (3) and in-
26 serting the following:

1 “(2) GOVERNOR.—The term ‘Governor’ means
2 the Governor of the State of Colorado.

3 “(3) HERITAGE AREA.—The term ‘Heritage
4 Area’ means the Cache la Poudre River National
5 Heritage Area established by section 103(a).”;

6 (3) by striking paragraph (4) and inserting the
7 following:

8 “(4) PLAN.—The term ‘Plan’ means the Cache
9 la Poudre River National Heritage Area manage-
10 ment plan prepared by the Alliance under section
11 105.”; and

12 (4) in paragraph (5), by striking “Corridor”
13 and inserting “Heritage Area”.

14 (c) ESTABLISHMENT AND BOUNDARIES; LAND-
15 OWNER WITHDRAWAL AUTHORITY.—Section 103 of the
16 Cache La Poudre River Corridor Act (16 U.S.C. 461 note;
17 Public Law 104–323) is amended—

18 (1) in subsection (a), by striking “Cache La
19 Poudre Corridor” and inserting “Cache la Poudre
20 River National Heritage Area”;

21 (2) in subsection (b)—

22 (A) by striking “the boundaries of the Cor-
23 ridor” and inserting “the boundaries of the
24 Heritage Area”;

1 (B) by striking “Cache La Poudre River”
 2 each place it appears and inserting “Cache la
 3 Poudre River”; and

4 (C) by striking “and generally depicted”
 5 and all that follows through the period at the
 6 end of the matter following paragraph (19) and
 7 inserting “as generally depicted on the map en-
 8 titled ‘Cache la Poudre River National Heritage
 9 Area’, numbered 960/80,003, and dated April,
 10 2004.”; and

11 (3) by adding at the end the following:

12 “(d) **MANAGEMENT ENTITY.**—The Alliance shall be
 13 the management entity for the Heritage Area.

14 “(e) **LANDOWNER WITHDRAWAL.**—On submission to
 15 the Alliance of a written request by an owner of private
 16 property included within the boundary of the Heritage
 17 Area, the private property shall be removed from the Her-
 18 itage Area.”.

19 **SEC. 3. POUDRE HERITAGE ALLIANCE.**

20 Section 104 of the Cache La Poudre River Corridor
 21 Act (16 U.S.C. 461 note; Public Law 104–323) is amend-
 22 ed to read as follows:

23 **“SEC. 104. AUTHORITIES AND DUTIES OF THE ALLIANCE.**

24 “(a) **DUTIES OF THE ALLIANCE.**—To further the
 25 purposes of the Heritage Area, the Alliance shall—

1 “(1) prepare, obtain approval for, implement,
2 and support the Plan in accordance with section
3 105;

4 “(2) administer the Heritage Area;

5 “(3) conduct meetings regarding the develop-
6 ment and implementation of the Plan at least quar-
7 terly that are open to the public;

8 “(4) for any fiscal year in which the Alliance
9 receives Federal funds under this Act—

10 “(A) submit to the Secretary an annual re-
11 port that describes the accomplishments, ex-
12 penses, and income of the Alliance, including
13 grants provided to any other entities during the
14 fiscal year; and

15 “(B)(i) make available for audit all infor-
16 mation relating to the expenditure of the Fed-
17 eral funds and any matching funds; and

18 “(ii) in any agreement authorizing expendi-
19 tures of Federal funds by other organizations,
20 require that the receiving organizations make
21 available for audit all records and other infor-
22 mation relating to the expenditure of the Fed-
23 eral funds;

1 “(5) encourage by appropriate means economic
2 viability that is consistent with the purposes of the
3 Heritage Area; and

4 “(6) carry out other duties of the Alliance as
5 required under this Act.

6 “(b) ~~AUTHORITIES.~~—The Alliance may, for the pur-
7 poses of preparing and implementing the Plan, use Fed-
8 eral funds made available under this Act to—

9 “(1) make grants to the State of Colorado, po-
10 litical subdivisions of the State, nonprofit organiza-
11 tions, and other persons;

12 “(2) enter into cooperative agreements with, or
13 provide technical assistance to, the State of Colo-
14 rado, political subdivisions of the State, nonprofit or-
15 ganizations, and other interested persons;

16 “(3) hire and compensate staff, including indi-
17 viduals with expertise in cultural, historic, and nat-
18 ural resources protection and heritage programming;

19 “(4) obtain money or services from any source,
20 including money or services that are provided under
21 any other Federal law or program;

22 “(5) contract for goods or services; and

23 “(6) support activities that—

24 “(A) further the purposes of the Heritage
25 Area; and

1 “(B) are consistent with the approved
2 Plan.

3 ~~“(c) ACQUISITION OF LAND AND REAL PROPERTY.—~~

4 ~~“(1) ACQUISITION OF REAL PROPERTY.—~~

5 ~~“(A) PROHIBITION ON USE OF FEDERAL~~
6 ~~FUNDS.—The Alliance shall not use Federal~~
7 ~~funds received under this Act to acquire real~~
8 ~~property.~~

9 ~~“(B) OTHER FUNDS.—Notwithstanding~~
10 ~~subparagraph (A), the Alliance may acquire~~
11 ~~real property using any other source of funding,~~
12 ~~including other Federal funding.~~

13 ~~“(2) ACQUISITION OF LAND FROM WILLING~~
14 ~~SELLERS.—No land or interest in land may be ac-~~
15 ~~quired by the Secretary or the Alliance under this~~
16 ~~Act without the consent of the owner of the land or~~
17 ~~interest.”.~~

18 **SEC. 4. CACHE LA POUFRE RIVER NATIONAL HERITAGE**

19 **AREA MANAGEMENT PLAN.**

20 (a) IN GENERAL.—The Cache La Poudre River Cor-
21 ridor Act (16 U.S.C. 461 note; Public Law 104-323) is
22 amended by striking sections 105 through 109 and insert-
23 ing the following:

1 **“SEC. 105. CACHE LA POUDRE RIVER NATIONAL HERITAGE**
 2 **AREA MANAGEMENT PLAN.**

3 “(a) REQUIREMENTS.—The Alliance shall prepare
 4 and submit to the Secretary for approval a management
 5 plan for the Heritage Area that—

6 “(1) describes comprehensive policies, goals,
 7 strategies, and recommendations for—

8 “(A) telling the story of the heritage of the
 9 Heritage Area; and

10 “(B) encouraging long-term resource pro-
 11 tection, enhancement, interpretation, funding,
 12 management, and development of the Heritage
 13 Area;

14 “(2) includes a description of actions and com-
 15 mitments that State and local governments, private
 16 organizations, and citizens in the Heritage Area will
 17 take to protect, enhance, and interpret the cultural,
 18 historic, natural, and scenic resources of the Herit-
 19 age Area;

20 “(3) specifies existing and potential sources of
 21 funding or economic development strategies to pro-
 22 tect, enhance, interpret, fund, manage, and develop
 23 the Heritage Area;

24 “(4) includes an inventory of the cultural, edu-
 25 cational, historical, natural, recreational, and scenic
 26 resources of the Heritage Area and associated sites

1 relating to the stories and themes of the region that
2 should be protected, enhanced, managed or devel-
3 oped;

4 “(5) recommends policies and strategies for re-
5 source management, including the development of
6 intergovernmental and interagency agreements to
7 protect the cultural, educational, historic, natural,
8 recreational, and scenic resources of the Heritage
9 Area;

10 “(6) describes a program of implementation for
11 the Plan, including—

12 “(A) performance goals;

13 “(B) plans for resource protection, en-
14 hancement, and interpretation; and

15 “(C) specific commitments for implementa-
16 tion that have been made by the Alliance or any
17 government, organization, business, or indi-
18 vidual in the Heritage Area;

19 “(7) includes an analysis of, and recommenda-
20 tions for, ways in which Federal, State, and local
21 programs may best be coordinated to further the
22 purposes of this Act, including an analysis of the
23 role of the National Park Service and other Federal
24 agencies associated with the Heritage Area; and

25 “(8) includes a business plan that—

1 “(A) describes the role, operation, financ-
2 ing, and functions of—

3 “(i) the Alliance; and

4 “(ii) each of the major activities in-
5 cluded in the Plan; and

6 “(B) provides adequate assurances that
7 the Alliance has the partnerships and financial
8 and other resources necessary to implement the
9 Plan.

10 “(b) TERMINATION OF FUNDING.—If the Plan is not
11 submitted to the Secretary in accordance with this section,
12 the Secretary shall not provide to the Alliance any addi-
13 tional financial assistance under this Act until the Plan
14 is submitted to and approved by the Secretary under this
15 section.

16 “(c) APPROVAL OF PLAN.—

17 “(1) REVIEW.—Not later than 180 days after
18 the date of receipt of the management plan under
19 subsection (a), the Secretary, in consultation with
20 the Governor, shall review and approve or disapprove
21 the Plan.

22 “(2) CRITERIA.—In determining whether to ap-
23 prove the Plan, the Secretary shall consider wheth-
24 er—

1 “(A) the Alliance is representing the di-
2 verse interests of the Heritage Area, includ-
3 ing—

4 “(i) governments;

5 “(ii) natural and historic resource
6 protection organizations;

7 “(iii) educational institutions;

8 “(iv) businesses;

9 “(v) recreational organizations;

10 “(vi) community residents; and

11 “(vii) private property owners;

12 “(B) the Alliance provided adequate oppor-
13 tunity, workshops, and hearings for public and
14 governmental involvement in the preparation of
15 the Plan;

16 “(C) the Alliance includes provisions for at
17 least semiannual public meetings to ensure ade-
18 quate implementation of the Plan;

19 “(D) the resource protection and interpre-
20 tation strategies in the Plan would adequately
21 protect, enhance, and interpret the cultural, his-
22 toric, natural, and scenic resources of the Her-
23 itage Area;

1 “(E) the Plan would adversely affect any
2 activities authorized on Federal land under pub-
3 lic land laws or land use plans;

4 “(F) the Alliance has demonstrated finan-
5 cial capability, in partnership with others, to
6 carry out the Plan;

7 “(G) the Secretary has received adequate
8 assurances from the appropriate State and local
9 officials, the support of which is needed to en-
10 sure the effective implementation of the State
11 and local aspects of the Plan; and

12 “(H) the Plan demonstrates partnerships
13 among the Alliance, Federal, State, and local
14 governments, regional planning organizations,
15 nonprofit organizations, or private-sector par-
16 ties for implementation of the Plan.

17 “(3) ACTION FOLLOWING DISAPPROVAL.—If the
18 Secretary disapproves the Plan under paragraph (1),
19 the Secretary shall—

20 “(A) advise the Alliance in writing of the
21 reasons for the disapproval;

22 “(B) make recommendations for revisions
23 to the Plan; and

1 “(C) not later than 180 days after the date
2 of receipt of a proposed revision to the Plan,
3 approve or disapprove the proposed revision.

4 “(4) AMENDMENTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 review and approve or disapprove each amend-
7 ment to the Plan that the Secretary determines
8 may substantially alter the purposes of the Her-
9 itage Area.

10 “(B) USE OF FUNDS.—Funds made avail-
11 able under this Act shall not be expended by
12 the management entity to implement an amend-
13 ment described in subparagraph (A) until the
14 Secretary approves the amendment.”.

15 (b) CONFORMING AMENDMENTS.—The Cache La
16 Poudre River Corridor Act (16 U.S.C. 461 note; Public
17 Law 104–323) is amended by redesignating sections 110,
18 111, 112, and 113 as sections 106, 107, 108, and 109,
19 respectively.

20 **SEC. 5. DUTIES AND AUTHORITIES OF THE SECRETARY OF**
21 **THE INTERIOR.**

22 Section 106 of the Cache La Poudre River Corridor
23 Act (16 U.S.C. 461 note; Public Law 104–323) (as red-
24 esignated by section 4(b)) is amended—

1 (1) by striking the heading and inserting the
2 following:

3 **“SEC. 106. DUTIES AND AUTHORITIES OF THE SECRETARY.”;**

4 (2) by striking subsections (a) and (c);

5 (3) by redesignating subsection (b) as sub-
6 section (a);

7 (4) in subsection (a) (as redesignated by para-
8 graph (2))—

9 (A) by striking “Commission” each place it
10 appears and inserting “Alliance”; and

11 (B) by striking “section 108” and insert-
12 ing “section 105”; and

13 (5) by adding at the end the following:

14 **“(b) COOPERATIVE AGREEMENTS.—**

15 **“(1) IN GENERAL.—**The Secretary may enter
16 into cooperative agreements with the Alliance for the
17 purpose of carrying out the Plan.

18 **“(2) REQUIREMENTS.—**Any cooperative agree-
19 ment shall, at a minimum, establish procedures for
20 providing notice to the Alliance of any action that
21 may affect the implementation of the Plan.”.

22 **SEC. 6. OTHER FEDERAL ENTITIES.**

23 Section 107 of the Cache La Poudre River Corridor
24 Act (16 U.S.C. 461 note; Public Law 104–323) (as redес-
25 ignated by section 4(b)) is amended—

- 1 (1) in subsection (a), by striking “section 112”
 2 and inserting “section 108”;
 3 (2) by striking “Corridor” each place it appears
 4 and inserting “Heritage Area”;
 5 (3) by striking “Commission” each place it ap-
 6 pears and inserting “Alliance”; and
 7 (4) by striking “Cache La Poudre” each place
 8 it appears and inserting “Cache la Poudre”.

9 **SEC. 7. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
 10 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
 11 **SIONS.**

12 Section 108 of the Cache La Poudre River Corridor
 13 Act (16 U.S.C. 461 note; Public Law 104–323) (as redes-
 14 ignated by section 4(b)) is amended—

15 (1) by striking subsections (c) and (d) and in-
 16 serting the following:

17 “(c) PRESERVATION, CONSERVATION, AND PRO-
 18 MOTION OF PRIVATE PROPERTY.—No private property
 19 shall be preserved, conserved, or promoted under the Plan
 20 until—

21 “(1) the Alliance notifies the owner of the pri-
 22 vate property in writing; and

23 “(2) the owner of the private property provides
 24 to the management entity written consent for the
 25 preservation, conservation, or promotion.

1 “(d) SAVINGS PROVISION.—Nothing in this Act—

2 “(1) diminishes, enlarges, or modifies a right of
3 a Federal agency, State agency, or political subdivi-
4 sion of the State—

5 “(A) to exercise civil and criminal jurisdic-
6 tion within the Heritage Area; or

7 “(B) to tax persons, corporations, fran-
8 chises, or property, including minerals and
9 other interests in or on land or water within the
10 urban portions of the Heritage Area;

11 “(2) authorizes the regulation of private land in
12 the Heritage Area;

13 “(3) authorizes the imposition of any manda-
14 tory streamflow requirements in the Heritage Area;

15 “(4) creates an express or implied Federal re-
16 served water right;

17 “(5) imposes any Federal water quality stand-
18 ard within or upstream of the Heritage Area that is
19 more restrictive than would be applicable had the
20 Heritage Area not been established; or

21 “(6) prevents the State of Colorado from ae-
22 quiring an instream flow through the Heritage Area
23 under the terms, conditions, and limitations of State
24 law to assist in protecting the natural environment

1 to the extent and for the purposes authorized by
2 State law.”;

3 (2) by striking “Corridor” each place it appears
4 and inserting “Heritage Area”; and

5 (3) by striking “Commission” each place it ap-
6 pears and inserting “Alliance”.

7 **SEC. 8. PRIVATE PROPERTY PROTECTIONS.**

8 The Cache La Poudre River Corridor Act (16 U.S.C.
9 461 note; Public Law 104-323) is amended by inserting
10 after section 108 (as redesignated by section 4(b)) the fol-
11 lowing:

12 **“SEC. 109. PRIVATE PROPERTY PROTECTION.**

13 “(a) ACCESS TO PRIVATE PROPERTY.—Nothing in
14 this Act—

15 “(1) requires any private property owner to
16 allow public access (including Federal, State, or local
17 government access) to the private property; or

18 “(2) modifies any provision of Federal, State,
19 or local law with regard to public access to or use
20 of private property.

21 “(b) LIABILITY.—Designation of the Heritage Area
22 does not create any liability, or have any effect on any
23 liability under any other law, of any private property
24 owner with respect to any persons injured on the private
25 property.

1 “(c) RECOGNITION OF AUTHORITY TO CONTROL
2 LAND USE.—Nothing in this Act modifies the authority
3 of the Federal Government or State or local governments
4 to regulate land use.

5 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-
6 ERS IN HERITAGE AREA.—Nothing in this Act requires
7 the owner of any private property located within the
8 boundaries of the Heritage Area to participate in or be
9 associated with the Heritage Area.

10 “(e) EFFECT OF ESTABLISHMENT.—

11 “(1) IN GENERAL.—The boundaries designated
12 for the Heritage Area represent the area within
13 which Federal funds made available under section
14 110 may be expended.

15 “(2) REGULATORY AUTHORITY.—The establish-
16 ment of the Heritage Area and the boundaries of the
17 Heritage Area does not provide any regulatory au-
18 thority not in existence on the date of enactment of
19 this subsection on land use within the Heritage Area
20 or the viewshed by the Secretary, the National Park
21 Service, or the Alliance.”.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 109 of the Cache La Poudre River Corridor
24 Act (16 U.S.C. 461 note; Public Law 104–323) (as redes-
25 ignated by section 4(b)) is amended to read as follows:

1 **~~“SEC. 110. AUTHORIZATION OF APPROPRIATIONS.~~**

2 ~~“(a) IN GENERAL.—There are authorized to be ap-~~
 3 ~~propriated to carry out this Act—~~

4 ~~“(1) not more than \$100,000 for any fiscal~~
 5 ~~year, to remain available until expended; and~~

6 ~~“(2) not more than a total of \$1,000,000.~~

7 ~~“(b) MATCHING FUNDS.—~~

8 ~~“(1) IN GENERAL.—As a condition of providing~~
 9 ~~a grant under this Act to the Alliance, the Secretary~~
 10 ~~shall require that the Alliance provide matching~~
 11 ~~funds equal to the amount of the grant.~~

12 ~~“(2) FORM.—Matching funds—~~

13 ~~“(A) shall be from non-Federal sources;~~
 14 ~~and~~

15 ~~“(B) may be made in the form of in-kind~~
 16 ~~contributions of goods or services fairly valued.~~

17 ~~“(c) ADMINISTRATIVE EXPENSES.—Not more than 5~~
 18 ~~percent of the funds made available under subsection (a)~~
 19 ~~for a fiscal year may be used by the Secretary for technical~~
 20 ~~assistance, oversight, and administrative purposes.”.~~

21 **~~SEC. 10. TERMINATION OF AUTHORITY; REFERENCES IN~~**
 22 **~~LAW.~~**

23 ~~The Cache La Poudre River Corridor Act (16 U.S.C.~~
 24 ~~461 note; Public Law 104–323) is amended by adding at~~
 25 ~~the end the following:~~

1 **“SEC. 111. REFERENCES.**

2 “(a) ~~FEDERAL LAWS AND DOCUMENTS.~~—Any ref-
3 erence in any law (other than this Act), regulation, docu-
4 ment, record, map, or other paper of the United States
5 to ‘Cache La Poudre River Corridor’ or ‘Cache La Poudre
6 Corridor’ shall be considered to be a reference to the
7 ‘Cache la Poudre River National Heritage Area’.

8 “(b) ~~OTHER SIGNS AND NOTICES.~~—Any directional
9 or official sign or notice relating to ‘Cache La Poudre
10 River Corridor’ or ‘Cache La Poudre Corridor’ shall be
11 considered to be a reference to the ‘Cache la Poudre River
12 National Heritage Area’.

13 **“SEC. 112. TERMINATION OF AUTHORITY.**

14 “~~The authority of the Secretary to provide financial~~
15 ~~assistance to the Alliance (excluding technical assistance~~
16 ~~and administrative oversight) under this Act shall termi-~~
17 ~~nate 10 years after the date of enactment of the Cache~~
18 ~~la Poudre River National Heritage Area Technical~~
19 ~~Amendments Act of 2007.”.~~

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Cache La Poudre River*
22 *National Heritage Area Act of 2008”.*

23 **SEC. 2. DEFINITIONS.**

24 *In this Act:*

1 (1) *HERITAGE AREA.*—The term “Heritage
2 Area” means the Cache La Poudre River National
3 Heritage Area established by section 3(a).

4 (2) *LOCAL COORDINATING ENTITY.*—The term
5 “local coordinating entity” means the Poudre Herit-
6 age Alliance, the local coordinating entity for the
7 Heritage Area designated by section 3(d).

8 (3) *MANAGEMENT PLAN.*—The term “manage-
9 ment plan” means the management plan for the Her-
10 itage Area required under section 5(a).

11 (4) *MAP.*—The term “map” means the map enti-
12 tled “Cache La Poudre River National Heritage
13 Area”, numbered 960/80,003, and dated April, 2004.

14 (5) *SECRETARY.*—The term “Secretary” means
15 the Secretary of the Interior.

16 (6) *STATE.*—The term “State” means the State
17 of Colorado.

18 **SEC. 3. CACHE LA POUDRE RIVER NATIONAL HERITAGE**
19 **AREA.**

20 (a) *ESTABLISHMENT.*—There is established in the
21 State the Cache La Poudre River National Heritage Area.

22 (b) *BOUNDARIES.*—The Heritage Area shall consist of
23 the area depicted on the map.

24 (c) *MAP.*—The map shall be on file and available for
25 public inspection in the appropriate offices of—

1 (1) *the National Park Service; and*

2 (2) *the local coordinating entity.*

3 (d) *LOCAL COORDINATING ENTITY.—The local coordi-*
 4 *nating entity for the Heritage Area shall be the Poudre Her-*
 5 *itage Alliance, a nonprofit organization incorporated in the*
 6 *State.*

7 **SEC. 4. ADMINISTRATION.**

8 (a) *AUTHORITIES.—To carry out the management*
 9 *plan, the Secretary, acting through the local coordinating*
 10 *entity, may use amounts made available under this Act—*

11 (1) *to make grants to the State (including any*
 12 *political subdivision of the State), nonprofit organiza-*
 13 *tions, and other individuals;*

14 (2) *to enter into cooperative agreements with, or*
 15 *provide technical assistance to, the State (including*
 16 *any political subdivision of the State), nonprofit or-*
 17 *ganizations, and other interested parties;*

18 (3) *to hire and compensate staff, which shall in-*
 19 *clude individuals with expertise in natural, cultural,*
 20 *and historical resource protection, and heritage pro-*
 21 *gramming;*

22 (4) *to obtain funds or services from any source,*
 23 *including funds or services that are provided under*
 24 *any other Federal law or program;*

1 (5) *to enter into contracts for goods or services;*
2 *and*

3 (6) *to serve as a catalyst for any other activity*
4 *that—*

5 (A) *furtheres the purposes and goals of the*
6 *Heritage Area; and*

7 (B) *is consistent with the approved manage-*
8 *ment plan.*

9 (b) *DUTIES.—The local coordinating entity shall—*

10 (1) *in accordance with section 5, prepare and*
11 *submit to the Secretary a management plan for the*
12 *Heritage Area;*

13 (2) *assist units of local government, regional*
14 *planning organizations, and nonprofit organizations*
15 *in carrying out the approved management plan by—*

16 (A) *carrying out programs and projects*
17 *that recognize, protect, and enhance important*
18 *resource values located in the Heritage Area;*

19 (B) *establishing and maintaining interpre-*
20 *tive exhibits and programs in the Heritage Area;*

21 (C) *developing recreational and educational*
22 *opportunities in the Heritage Area;*

23 (D) *increasing public awareness of, and ap-*
24 *preciation for, the natural, historical, scenic, and*
25 *cultural resources of the Heritage Area;*

1 (E) protecting and restoring historic sites
2 and buildings in the Heritage Area that are con-
3 sistent with Heritage Area themes;

4 (F) ensuring that clear, consistent, and ap-
5 propriate signs identifying points of public ac-
6 cess, and sites of interest, are posted throughout
7 the Heritage Area; and

8 (G) promoting a wide range of partnerships
9 among governments, organizations, and individ-
10 uals to further the Heritage Area;

11 (3) consider the interests of diverse units of gov-
12 ernment, businesses, organizations, and individuals
13 in the Heritage Area in the preparation and imple-
14 mentation of the management plan;

15 (4) conduct meetings open to the public at least
16 semiannually regarding the development and imple-
17 mentation of the management plan;

18 (5) for any year for which Federal funds have
19 been received under this Act—

20 (A) submit an annual report to the Sec-
21 retary that describes the activities, expenses, and
22 income of the local coordinating entity (includ-
23 ing grants to any other entities during the year
24 that the report is made);

1 (B) make available to the Secretary for
2 audit all records relating to the expenditure of
3 the funds and any matching funds; and

4 (C) require, with respect to all agreements
5 authorizing expenditure of Federal funds by
6 other organizations, that the organizations re-
7 ceiving the funds make available to the Secretary
8 for audit all records concerning the expenditure
9 of the funds; and

10 (6) encourage by appropriate means economic
11 viability that is consistent with the Heritage Area.

12 (c) *PROHIBITION ON THE ACQUISITION OF REAL*
13 *PROPERTY.*—The local coordinating entity shall not use
14 Federal funds made available under this Act to acquire real
15 property or any interest in real property.

16 **SEC. 5. MANAGEMENT PLAN.**

17 (a) *IN GENERAL.*—Not later than 3 years after the
18 date of enactment of this Act, the local coordinating entity
19 shall submit to the Secretary for approval a proposed man-
20 agement plan for the Heritage Area.

21 (b) *REQUIREMENTS.*—The management plan shall—
22 (1) incorporate an integrated and cooperative
23 approach for the protection, enhancement, and inter-
24 pretation of the natural, cultural, historic, scenic,

1 *educational, and recreational resources of the Herit-*
 2 *age Area;*

3 *(2) take into consideration State and local plans;*

4 *(3) include—*

5 *(A) an inventory of the resources located in*
 6 *the Heritage Area;*

7 *(B) comprehensive policies, strategies, and*
 8 *recommendations for conservation, funding,*
 9 *management, and development of the Heritage*
 10 *Area;*

11 *(C) a description of actions that govern-*
 12 *ments, private organizations, and individuals*
 13 *have agreed to take to protect the natural, cul-*
 14 *tural, historic, scenic, educational, and rec-*
 15 *reational resources of the Heritage Area;*

16 *(D) a program of implementation for the*
 17 *management plan by the local coordinating enti-*
 18 *ty that includes a description of—*

19 *(i) actions to facilitate ongoing collabo-*
 20 *ration among partners to promote plans for*
 21 *resource protection, restoration, and con-*
 22 *struction; and*

23 *(ii) specific commitments for imple-*
 24 *mentation that have been made by the local*
 25 *coordinating entity or any government, or-*

1 ganization, or individual for the first 5
2 years of operation;

3 (E) the identification of sources of funding
4 for carrying out the management plan;

5 (F) analysis and recommendations for
6 means by which local, State, and Federal pro-
7 grams, including the role of the National Park
8 Service in the Heritage Area, may best be coordi-
9 nated to carry out this Act; and

10 (G) an interpretive plan for the Heritage
11 Area; and

12 (4) recommend policies and strategies for re-
13 source management that consider and detail the ap-
14 plication of appropriate land and water management
15 techniques, including the development of intergovern-
16 mental and interagency cooperative agreements to
17 protect the natural, cultural, historic, scenic, edu-
18 cational, and recreational resources of the Heritage
19 Area.

20 (c) *DEADLINE.*—If a proposed management plan is
21 not submitted to the Secretary by the date that is 3 years
22 after the date of enactment of this Act, the local coordi-
23 nating entity shall be ineligible to receive additional fund-
24 ing under this Act until the date on which the Secretary
25 approves a management plan.

1 (d) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*
 2 *PLAN.*—

3 (1) *IN GENERAL.*—Not later than 180 days after
 4 the date of receipt of the management plan under sub-
 5 section (a), the Secretary, in consultation with the
 6 State, shall approve or disapprove the management
 7 plan.

8 (2) *CRITERIA FOR APPROVAL.*—In determining
 9 whether to approve the management plan, the Sec-
 10 retary shall consider whether—

11 (A) the local coordinating entity is rep-
 12 resentative of the diverse interests of the Heritage
 13 Area, including governments, natural and his-
 14 toric resource protection organizations, edu-
 15 cational institutions, businesses, and recreational
 16 organizations;

17 (B) the local coordinating entity has af-
 18 farded adequate opportunity, including public
 19 hearings, for public and governmental involve-
 20 ment in the preparation of the management
 21 plan; and

22 (C) the resource protection and interpreta-
 23 tion strategies contained in the management
 24 plan, if implemented, would adequately protect
 25 the natural, cultural, historic, scenic, edu-

1 *cational, and recreational resources of the Herit-*
 2 *age Area.*

3 (3) *ACTION FOLLOWING DISAPPROVAL.—If the*
 4 *Secretary disapproves the management plan under*
 5 *paragraph (1), the Secretary shall—*

6 *(A) advise the local coordinating entity in*
 7 *writing of the reasons for the disapproval;*

8 *(B) make recommendations for revisions to*
 9 *the management plan; and*

10 *(C) not later than 180 days after the date*
 11 *of receipt of any proposed revision of the man-*
 12 *agement plan from the local coordinating entity,*
 13 *approve or disapprove the proposed revision.*

14 (4) *AMENDMENTS.—*

15 *(A) IN GENERAL.—The Secretary shall ap-*
 16 *prove or disapprove each amendment to the*
 17 *management plan that the Secretary determines*
 18 *would make a substantial change to the manage-*
 19 *ment plan.*

20 *(B) USE OF FUNDS.—The local coordi-*
 21 *nating entity shall not use Federal funds author-*
 22 *ized to be appropriated by this Act to carry out*
 23 *any amendments to the management plan until*
 24 *the Secretary has approved the amendments.*

1 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
 3 *thority of a Federal agency to provide technical or financial*
 4 *assistance under any other law (including regulations).*

5 (b) *CONSULTATION AND COORDINATION.*—*To the max-*
 6 *imum extent practicable, the head of any Federal agency*
 7 *planning to conduct activities that may have an impact*
 8 *on the Heritage Area is encouraged to consult and coordi-*
 9 *nate the activities with the Secretary and the local coordi-*
 10 *nating entity.*

11 (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
 12 *Act—*

13 (1) *modifies, alters, or amends any law (includ-*
 14 *ing any regulation) authorizing a Federal agency to*
 15 *manage Federal land under the jurisdiction of the*
 16 *Federal agency;*

17 (2) *limits the discretion of a Federal land man-*
 18 *ager to implement an approved land use plan within*
 19 *the boundaries of the Heritage Area; or*

20 (3) *modifies, alters, or amends any authorized*
 21 *use of Federal land under the jurisdiction of a Fed-*
 22 *eral agency.*

23 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 24 **TIONS.**

25 *Nothing in this Act—*

1 (1) *abridges the rights of any public or private*
2 *property owner, including the right to refrain from*
3 *participating in any plan, project, program, or activ-*
4 *ity conducted within the Heritage Area;*

5 (2) *requires any property owner—*

6 (A) *to permit public access (including ac-*
7 *cess by Federal, State, or local agencies) to the*
8 *property of the property owner; or*

9 (B) *to modify public access or use of prop-*
10 *erty of the property owner under any other Fed-*
11 *eral, State, or local law;*

12 (3) *alters any duly adopted land use regulation,*
13 *approved land use plan, or other regulatory authority*
14 *of any Federal, State, or local agency;*

15 (4) *conveys any land use or other regulatory au-*
16 *thority to the local coordinating entity;*

17 (5) *authorizes or implies the reservation or ap-*
18 *propriation of water or water rights;*

19 (6) *diminishes the authority of the State to man-*
20 *age fish and wildlife, including the regulation of fish-*
21 *ing and hunting within the Heritage Area; or*

22 (7) *creates any liability, or affects any liability*
23 *under any other law (including regulations), of any*
24 *private property owner with respect to any indi-*
25 *vidual injured on the private property.*

1 **SEC. 8. EVALUATION; REPORT.**

2 (a) *IN GENERAL.*—Not later than 3 years before the
3 date on which authority for Federal funding terminates for
4 the Heritage Area, the Secretary shall—

5 (1) *conduct an evaluation of the accomplish-*
6 *ments of the Heritage Area; and*

7 (2) *prepare a report in accordance with sub-*
8 *section (c).*

9 (b) *EVALUATION.*—An evaluation conducted under
10 subsection (a)(1) shall—

11 (1) *assess the progress of the local coordinating*
12 *entity with respect to—*

13 (A) *accomplishing the purposes of this Act*
14 *for the Heritage Area; and*

15 (B) *achieving the goals and objectives of the*
16 *approved management plan for the Heritage*
17 *Area;*

18 (2) *analyze the Federal, State, local, and private*
19 *investments in the Heritage Area to determine the le-*
20 *verage and impact of the investments; and*

21 (3) *review the management structure, partner-*
22 *ship relationships, and funding of the Heritage Area*
23 *to identify the critical components for sustainability*
24 *of the Heritage Area.*

25 (c) *REPORT.*—

1 (1) *IN GENERAL.*—Based on the evaluation con-
 2 ducted under subsection (a)(1), the Secretary shall
 3 prepare a report that includes recommendations for
 4 the future role of the National Park Service, if any,
 5 with respect to the Heritage Area.

6 (2) *REQUIRED ANALYSIS.*—If the report prepared
 7 under paragraph (1) recommends that Federal fund-
 8 ing for the Heritage Area be reauthorized, the report
 9 shall include an analysis of—

10 (A) ways in which Federal funding for the
 11 Heritage Area may be reduced or eliminated;
 12 and

13 (B) the appropriate time period necessary
 14 to achieve the recommended reduction or elimi-
 15 nation.

16 (3) *SUBMISSION TO CONGRESS.*—On completion
 17 of the report, the Secretary shall submit the report
 18 to—

19 (A) the Committee on Energy and Natural
 20 Resources of the Senate; and

21 (B) the Committee on Natural Resources of
 22 the House of Representatives.

23 **SEC. 9. FUNDING.**

24 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 25 authorized to be appropriated to carry out this Act

1 \$10,000,000, of which not more than \$1,000,000 may be
 2 made available for any fiscal year.

3 (b) *COST-SHARING REQUIREMENT.*—The Federal
 4 share of the cost of any activity carried out using any as-
 5 sistance made available under this Act shall be 50 percent.

6 **SEC. 10. TERMINATION OF AUTHORITY.**

7 The authority of the Secretary to provide assistance
 8 under this Act terminates on the date that is 15 years after
 9 the date of enactment of this Act.

10 **SEC. 11. CONFORMING AMENDMENT.**

11 The Cache La Poudre River Corridor Act (16 U.S.C.
 12 461 note; Public Law 104–323) is repealed.

Amend the title so as to read: “To establish the
 Cache La Poudre River National Heritage Area, and for
 other purposes.”.

Calendar No. 637

110TH CONGRESS
2^D Session

S. 128

[Report No. 110-285]

A BILL

To amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes.

APRIL 10, 2008

Reported with an amendment and an amendment to the title